

BIERMAN & ASSOCIATES

17 Battery Place, Ste. 204
New York, New York 0004

212-363-6960

September 3, 2021

BY ECF

Honorable John G. Koeltl
Daniel Patrick Moynihan
United States District Court
500 Pearl Street
New York, NY 10007

APPLICATION GRANTED
SO ORDERED

9/6/21 
John G. Koeltl, U.S.D.J.

Re: *Zicarelli v. NYU et al.* Docket No. 15-cv-09307(JGK)(KNF)

Dear Judge Koeltl:

This office represents the plaintiff Jeffrey Zicarelli ("Plaintiff") in this action. This letter application is respectfully submitted to Your Honor jointly on behalf of all parties to request to request an extension of time to write to the Court pursuant to this Court's August 11, 2021 order (Doc. No. 186).

After the parties jointly wrote to the Court informing the Court that the parties agreed to mediation, Your Honor directed the parties to inform it by August 10, 2021 as to the status of the mediation, On August 4, 2021 an all day mediation was held before Magistrate Steven M. Gold (ret.). On August 11, 2021, the parties jointly wrote to the Court and informed it that a settlement in principle had been reached and requested that the matter be held in abeyance for a period of thirty days to afford the parties an opportunity to formalize a settlement agreement in writing. (Doc, No. 185)

On August 11, 2021, the Court, in response to the parties' August 10, 2021 letter application, issued an order providing, *inter alia*, as follows:

It is, on this 11th day of August 2021, hereby ordered that this matter be discontinued with prejudice but without costs; provided, however, that within 30 days of the date of this order, counsel for the plaintiff may apply by letter for restoration of the action to the calendar of the undersigned, in which event the action will be restored. Any application to reopen must be filed within thirty (30) days of this order; any application to reopen filed thereafter may be denied solely on that basis.

The parties have been working in good faith to formalize that settlement in a written settlement agreement. While the parties have made considerable progress in negotiating the formal settlement agreement, there remain a few issues to be worked out between the parties. Due to the upcoming 30 day deadline, vacation schedules, and upcoming federal and religious holidays, the parties are respectfully requesting that the Court extend the time to seek to reopen the action to September 30, 2021.

We thank the Court for its consideration.

Respectfully,

/s/ Mark H. Bierman

Mark H. Bierman